

Remarks/Arguments

Claims 1-9 are pending. The claims have been amended to more clearly and distinctly claim the subject matter that applicant regards as his invention. No new matter is believed to be added by the present amendment.

Rejection of claims 1 and 5 under 35 USC 103(a) as being unpatentable over Rix et al. (US Pat. No. 6385317)

Applicant submits that present claims 1 and 5 are patentably distinguishable over the teachings of Rix et al because Rix fails to teach or suggest all of the recited features of claims 1 and 5. In this regard, Applicant strongly disagrees with the assertion that Rix teaches all of the recited limitations of claims 1 and 5 except use of filters to select an entitlement management message.

The present invention relates to a conditional access system decoder that provides means for selecting an entitlement management message intended for a particular security element, such as a smart card, even when the security element is not inserted in the decoder. Such a system is useful, for example, in acquiring entitlement messages when a user subscribes to several service providers, wherein a different smart card is associated with each service provider, and the decoder has less smart card readers than the total number of smart cards. In that regard, claim 1 recites:

- ***filters intended to select at least one message for managing entitlements which a user possesses with regard to a service supplied by said provider from among a data stream received; wherein it comprises:
means for selecting an entitlement management message intended for a detachable security element when said security element is not inserted in the decoder; and (emphasis added)***

Applicant submits that nowhere does Rix et al. teach or suggest these features.

Rix relates to a system that provides for secure communications between two devices, such as, a conditional access module and a smart card and/or between a decoder and the conditional access module (col. 1, lines 34 - 40).

With regard to the entitlement messages, applicant submits that Rix merely discloses well-known features of a pay TV system. Rix teaches a pay TV system wherein each subscriber has a decoder comprising a conditional access module (CAM) and a smart card that can be inserted into a slot of the CAM. The decoder is able to receive digital signals scrambled using control words (col. 1, lines 13-17; col. 2, lines 5-13). The control words are transmitted in entitlement control messages using a service key and this service key is transmitted to the smart card by means of entitlement management messages (see col. 2, lines 33-38). Applicant acknowledges in the background of the invention that these features are known aspects of pay TV.

However, applicant submits that Rix fails to teach or suggest the above-cited features of present claim 1.

Rix is **completely silent** with regard to how to select entitlement management messages (EMM) for a given smart card, and does not mention at all **selecting an EMM for a specific smart card when that card is not inserted into the decoder**. The portion of Rix cited by the examiner, col. 2, lines 33-38, mentions that the service key, used to encrypt the control words in the entitlement control messages, is "... downloaded in the memory 11 of the smart card 5 by means of a so-called entitlement management message for example." Nowhere does the cited portion explain or suggest how the EMM is selected, or selecting an EMM for a smart card which is not inserted into a decoder and storing the EMM in a memory of the decoder. In fact, Rix is directed to an entirely different aspect of the system, namely secure communication between first and second devices in the conditional access system, and simply says nothing in that regard.

In view of the above, applicant submits that Rix fails to teach or suggest notable features of present claim 1, and as such, claim 1, and claim 5 which depends therefrom, are patentably distinguishable over Rix et al.

Rejection of claim 6 under 35 USC 103(a) as being unpatentable over Rix et al. (US Pat. No. 6385317) in view of Campinos et al (EP 0817485)

Applicant submits that for the reasons discussed below present claim 6 is patentably distinguishable over the cited prior art references.

Campinos et al. is cited as teaching the feature "in which the identification parameter contained in the security element is the address of the smart card." However, even assuming that Campinos et al. teaches the cited feature, Campinos et al. fails to cure the defect of Rix et al. as applied to claim 1 discussed above. Therefore, applicant submits that claim 6, which depends from patentable claim 1, is patentably distinguishable over the combination of Rix et al. and Campinos et al.

Rejection of claim 7 under 35 USC 103(a) as being unpatentable over Rix et al. (US Pat. No. 6385317) in view of Campinos et al (EP 0817485).

Applicant submits that for the reasons discussed below present claim 7 is patentably distinguishable over the cited prior art references.

For the reasons discussed above with respect to claim 1, applicant submits that Rix et al fails to teach or suggest the feature:

*... when said security element is removed from the decoder, causing the erasure of said configuration of filters, the configuration of filters which is appropriate to the removed security element is reinstalled on the basis of the configuration stored during the storage step in such a way as to **select an entitlement management message intended for said removed security element** (emphasis added)*

recited in present claim 7.

Campinos et al. is cited as teaching "inserting a detachable security element into a decoder," "recovering from said security element an identification parameter," and "installing a configuration of filter of the decoder as a function of said identification parameter in such a way as to select an entitlement management message intended for said inserted security element." However, even assuming that Campinos et al teaches these features, the cited teachings of Campinos et al. still fail to cure the defect of Rix et al. as applied to present claim 7. Therefore, applicant submits that claim 7 is patentably distinguishable over the combination of Rix et al. and Campinos et al.

Rejection of claims 2, 3, 4, 8 and 9 under 35 USC 103(a) as being unpatentable over Rix et al. (US Pat. No. 6385317) in view of Campinos et al (EP 0817485) in further view of Thatcher (US Pat. No. 5937067)

Applicant submits that for the reasons discussed below present claims 2, 3, 4, 8 and 9 are patentably distinguishable over the cited prior art references.

Applicant strongly disagrees with the examiner's assertion that Rix meets the limitation of "reinstalling, following the erasure of the configuration of filters consequent upon the removal of said security element, the stored configuration of filters which is appropriate to said security element, in such a way as to select an entitlement management message intended for said security element when the latter is removed" cited in claim 2.


The portion of Rix cited by the examiner, col. 3, lines 7-15, explains that once a secure communication channel has been created between the CAM 4 of a decoder and a specific smart card 5 (as disclosed in col. 2, line 47 - col. 3, line 7, in view of Fig. 2), if one tries to replace the smart card 5 by another smart card, the new smart card will not know the key Ci used to create the secure communication channel with the CAM 4. The CAM 4 will therefore not be able to decrypt the messages containing the control words sent by the new smart card and the decoder will not be able to descramble the received scrambled signals. Therefore, applicant submits that the additional portion of Rix cited by the examiner does not teach or suggest the recited limitation of claim 2.

Furthermore, applicant submits that the additional cited teachings of Rix et al., Campinos et al. and Thatcher do not cure the defect with Rix et al. as applied to claims 1 as discussed hereinabove, and as such, claims 2, 3, and 4 which depend from patentable claim 1, are patentably distinguishable over any combination of the prior art references. Likewise, applicant submits that the additional cited teachings of Thatcher does not cure the defect of Rix et al. and Campinos et al. as applied to present claim 7 as discussed hereinabove, and as such, claims 8 and 9, which depend from patentable claim 7, are patentably distinguishable over any combination of the cited prior art references.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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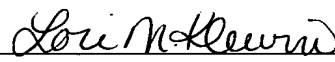
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